

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:4019
ANSWERED ON:25.08.2004
COMPENSATION FOR FAILURE OF FAMILY PLANNING OPERATIONS
Sai Shri Vishnu Dev

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) the number of cases of compensation for failed family planning operations pending, State-wise and Hospital-wise;
- (b) the number of cases of child-birth reported despite sterilization of both husband and wife, Hospital- wise and State-wise; and
- (c) the reasons for non-payment of compensation in this regard especially in Chhattisgarh and Madhya Pradesh?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SMT. PANABAKA LAKSHMI)

(a): Sir, as per the Government Order N23011/36/2001-PLY dated 12th March 2001, compensation for failure of sterilization devolves on State Governments or Union Territories. Claims for compensation for alleged failure of sterilization are borne by individual States/Union Territories. Copy of the order is placed at annexure-I.

(b): The only one case has been reported from Jaspur District Hospital, Chhattisgarh.

(c): The matter was referred to State Government of Chhattisgarh. However the State Government of Chhattisgarh has regretted its inability to make payment of compensation on account of failure of the sterilization procedures, as there is recorded chance of failure - 0.5% failure in female sterilization and 0.1% failure in male sterilization even without there being any negligence.

BY SPEED POST/REGD. POST

No.N.23011/36/2001-Ply
Government of India
Ministry of Health & Family Welfare
Department of Family Welfare

Nirman Bhavan, New Delhi-110011,
Dated the 12th March, 2001

To
Secretary/Principal Secretary,
Family Welfare,
All States/U.T.s

Subject: -Modification of the existing scheme of cash compensation for Loss of Wages to the Acceptors of Sterilisation/IUD insertion.

Sir/Madam, The modification of existing scheme of cash compensation for loss of wages to the acceptors of sterilisation has been under consideration of the Department of Family Welfare and has also been discussed with State Secretaries in charge of Family Welfare on various occasions. The States/UTs were also approached for suggestions regarding the amount which could be offered as compensation for acceptors of sterilisation. On the basis of inputs received from States/UTs and considering the overall increase in wage levels since 1986 (when existing rates of compensation was fixed), an increase in compensation amount for undergoing tubectomy, vasectomy and IUD insertion was considered. After careful consideration, the Government has now decided to modify the scheme of cash compensation for sterilisation/IUD insertion as follows:

- (i) The compensation amount per beneficiary for Tubectomy has been raised from Rs.200/- to Rs.300/- for Vasectomy from Rs.180/-

to Rs.200/- and for IUD insertion from Rs.16/- to Rs.20/-.

(ii) States/UTs will be given flexibility to apportion the amount of Rs.300/200/20 among various types of expenditure,for carrying out Tubectomy/Vasectomy/IUD insertions.The State Governments/UT Governments or Administrations will have full flexibility for drawing up their schemes, including deciding the amount of drugs and dressings, diet,transport, payment to motivators, payment to private medical practitioners and on other vital aspects of the Family Welfare within the total amount of Rs.300/200/20 per case, subject to following: -

(a) A minimum cash amount of Rs. 150/- has to be paid to the acceptor of tubectomy/vasectomy.

(b) A minimum of Rs.60/- has to be utilised for drugs and dressings for each case of Tubectomy, Rs. 25/- for each case of Vasectomy and Rs.20/- for each IUD insertion. This is intended to ensure quality of service in these procedures and is mandatory.

(c) The funds released under the compensation scheme cannot be used for the following: -

(i) Salaries of staff

(ii) Payment of TA/DA

(iii) Construction activity

(iv) Purchase of office equipment (including computer hardware/software) and furniture.

(v) Purchase of vehicles

(vi) POL and maintenance of vehicles

(vii) Maintenance of buildings.

(iii) Funds under this scheme will be released to the States and Union Territories with legislature on quarterly basis in advance. However, the release for the second quarter of every financial year would be made only after adjusting payments based on performance in the previous financial year.

(iv) In case the scheme formulated by the State/UT concerned includes an element of cash compensation for loss of wages or incentives to acceptors of sterilisation/IUD insertion, it should be ensured that the amount towards such cash compensation/ incentives is paid to the acceptor at the time of undergoing sterilisation/IUD insertion.No second visit should be necessary for the purpose of collecting the amount of cash compensation/incentive. For sterilisation/IUD insertion to be done through NGOs/Voluntary Organisations/ Central Government institutions,the States/UTs would provide for in their schemes for an advance or a revolving fund to be given to these Organisations.These advances would be adjusted periodically.

2. States/UTs are advised to ensure that the schemes formulated by them remain in force, without undergoing frequent changes, for a reasonable period of time, preferably five years.

3.It is also reiterated that in case of failure of sterilisation i.e. birth of a child subsequent to sterilisation, any compensation awarded by any Court would have to be borne by the State/UT or NGO concerned.

4.This issues with the approval of Secretary, Department of Family Welfare.

Yours faithfully,

Sd/=

(S.C. Srivastava)

Director (Policy)

Copy to: -

1. Comptroller and Auditor General of India.

2. All Accountants General.

3. Regional Directors, Health & Family Welfare, Government of India.
4. Commissioners/Directors, Family Welfare, of States and Union Territories.
5. JS (P) /JS (RCH) /JS (FA)
6. CCA
- 7 CIAP
8. Internal Finance Division.
9. All officers (DS level and above) in the Department of Family Welfare.

Sd/=

(S.C. Srivastava)

Director (Policy)